

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DENNIS FLORER,

Plaintiff,

v.

CHERLY BALES-JOHNSON, JAY  
JACKSON, and DIANE BENFIELD,

Defendants.

No. C06-5561 RJB/KLS

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom (Dkt. 335), plaintiff's objections to the Report and Recommendation (Dkt. 338), and the remaining record, does hereby find and **ORDER**:

- (1) In the Report and Recommendation, the magistrate judge carefully and thoroughly analyzed the issues. In his objections, plaintiff again argues that the institution must use the nutritional guidelines he has identified; that the Kosher and mainline diets are/were inadequate in essential nutrients; that the diets do/did not include sufficient calories; that the premade Kosher dinners are not edible; and that the court should appoint counsel to represent him. Dkt. 338. Plaintiff has not shown exceptional circumstances warranting appointment of counsel. Further, the issues plaintiff raises in his objections were dealt with in the Report and Recommendation; those issues are without merit. The court concurs with the analysis and conclusions of the magistrate judge. The Court **ADOPTS** the Report and Recommendation (Dkt. 335).

- 1 (2) Defendants' motion for summary judgment (Dkt. 307) is **GRANTED**. This case  
2 is **DISMISSED WITH PREJUDICE**.  
3 (3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for  
4 Defendants and to the Hon. Karen L. Strombom.

5 **DATED** this 27th day of October, 2010.

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8 ROBERT J. BRYAN  
9 United States District Judge  
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